

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**
RAFAEL LEE,

Docket No. 12 CV 4662

Plaintiff,
-against-
KUCKER & BRUH, LLP and
ALAN D. KUCKER,

**PLAINTIFF'S INITIAL
DISCLOSURES**

Defendants.

The plaintiff **RAFAEL LEE**, by his attorneys Fishman & Mallon, LLP, makes the following initial disclosures pursuant to Federal Rules of Civil Procedure 26(a)(1)(A):

(i) the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

Response:

NAME	ADDRESS/PHONE	INFORMATION
Rafael Lee	Can be contacted via plaintiff's counsel	Knowledge and information regarding factual allegations contained in the complaint.
Alan D. Kucker	Can be contacted via defendant	Knowledge and information regarding all matters set forth in this action.
Employees of Kucker & Bruh, LLP	Can be contacted via defendant	Knowledge and information regarding all matters set forth in this action.
Employees of Woodfin Realty Corp. ("Woodfin")	590 Ft. Washington Ave New York, NY 10033	Knowledge and information regarding all matters set forth in this action.

Employees of Mall Properties, Inc. ("Mall")	5500 New Albany Road East New Albany, OH 43054	Knowledge and information regarding all matters set forth in this action.
New York City Department of Finance	Senior Citizen Rent Increase Program New York City Department of Finance 66 John Street, Room 104 New York, NY 10038	Knowledge and information regarding the plaintiff's participation in the Senior Citizen Rent Increase Program ("SCRIE").

(ii) A copy, or a description by category and location, of all documents, electronically stored information, and tangible things that are in possession, custody, or control of the party and that the disclosing party may use to support their claims or defenses, unless solely for impeachment.

Response:

- 1) The entire court file in **Woodfin Realty Corp. v. Lee**, Index No. L&T 60394/2012, Civil Court, New York County.
- 2) Correspondence to and from the defendant.
- 3) Correspondence to and from Woodfin.
- 4) Correspondence to and from Mall.
- 5) Documents relating to the issuance of the letters, notices and pleadings described in the complaint.
- 6) All documents maintained by the New York City Department of Finance maintained in connection with the administration of the plaintiff's participation in the SCRIE program.

(iii) A computation of any category of damage claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including material bearing on the nature and extent of injuries suffered.

Response:

- 1) actual damages for emotional distress suffered by the plaintiff and associated medical costs pursuant to 15 USC § 1692k(a)(1) in an amount to be determined by the trier of fact.
- 2) statutory damages pursuant to 15 USC § 1692k(a)(2)(A) in the amount of \$1,000.00.
- 3) Attorneys' fees and costs for prosecuting this action pursuant to 15 USC § 1692k(a)(3) in an amount to be determined by the Court.

All such supporting documentation will be made available for copying and inspection at a mutually convenient date, time and location.

(iv) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Response:

The plaintiff does not possess any such documents.

Dated: August 29, 2012
New York, New York

/s/
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Defendant *pro se* and
attorneys for defendant Alan D. Kucker